

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

JUSTIN MAYNARD, Reg. No. 1029567, )  
  )  
  )  
Plaintiff,                                 )  
  )  
  )  
v.    )    No. 07-4214-CV-C-NKL  
  )  
  )  
CORRECTIONAL MEDICAL SERVICES,         )  
INC., et al.,                                 )  
  )  
  )  
Defendants.                                    )

**ORDER**

On April 23, 2008, United States Magistrate Judge William A. Knox recommended that plaintiff's claims against defendants Kempker and Nevins be dismissed. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of April 23, 2008, is adopted. [33] It is further

ORDERED that plaintiff's 42 U.S.C. § 1983 claims against defendants Kempker and Nevins are dismissed for failure to state a claim. [14] It is further

ORDERED that plaintiff's state law claims against defendants Kempker and Nevins are dismissed because they are entitled to official immunity and/or because plaintiff has failed to file the affidavit of merit required by Missouri statute.

\_\_\_\_\_  
/s/

NANETTE K. LAUGHREY  
United States District Judge

Dated: May 20, 2008  
Jefferson City, Missouri